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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BEVERLY SEVCIK, et al.,
Plaintiffs,

v.

BRIAN SANDOVAL, et al.,
Defendants,

and

COALITION FOR THE PROTECTION
OF MARRIAGE,

Defendant-Intervenor.

No. 2:12-CV-00578-RCJ-PAL

**PLAINTIFFS' UNOPPOSED MOTION
TO EXTEND TIME TO FILE A
MOTION FOR ATTORNEY'S FEES
AND BILL OF COSTS**

(First Request)

PLAINTIFFS' UNOPPOSED MOTION TO EXTEND TIME TO FILE A MOTION FOR ATTORNEY'S FEES AND BILL OF COSTS AND SUPPORTING MEMORANDUM

Plaintiffs respectfully move for an extension of time in which to file a motion for attorney's fees and bill of costs. On October 9, 2014, following remand from the Ninth Circuit, this Court issued an order granting permanent injunctive relief. [Dist. Ct. Doc. #127] To the extent this order constitutes a final judgment or other order disposing of the action, a motion for attorney's fees and bill of costs is currently due on October 27, 2014, pursuant to LR 54-1, LR 54-16, and Federal Rule of Civil Procedure 6(d). Plaintiffs seek an extension of time in which to file a motion for attorney's fees and bill of costs until 30 days after (a) any further appellate review, including en banc proceedings before the Ninth Circuit or proceedings before the U.S. Supreme Court, becomes final, or (b) the time for seeking such review expires, whichever is later. The other parties to this action have agreed to, or not opposed, this request.

The requested extension serves the interests of both judicial and party economy. First, the additional time would allow the parties to pursue a potential out-of-court settlement of attorney's fees and costs, thereby possibly obviating the need for this Court to adjudicate those issues. Second, the Defendant-Intervenor has filed a petition for rehearing en banc with the Ninth Circuit, and has publicly announced its intention to file a petition for writ of certiorari with the U.S. Supreme Court if necessary. [Ninth Cir. Doc. #274]; Sean Whaley, *Group Petitions for Rehearing of Same-Sex Marriage Case*, Las Vegas Rev.-J. (Oct. 13, 2014), available at <http://www.reviewjournal.com/politics/government/group-petitions-rehearing-same-sex-marriage-case>. Deferring adjudication of attorney's fees and cost until all litigation is complete would allow this Court to rule on those issues once the prevailing parties have been finally determined. Other courts have similarly extended the deadline for seeking attorney's fees until the completion of all appeals. See, e.g., *Planned Parenthood of Cent. N.J. v. Attorney Gen. of N.J.*, 297 F.3d 253, 258 (3d Cir. 2002) ("the District Court entered an order extending the time to file for attorneys' fees until 30 days after the conclusion of all appeals in the case.").

For the foregoing reasons, Plaintiffs respectfully request that this Court extend the time in

1 which to file a motion for attorney's fees and bill of costs.¹

2 DATED: October 16, 2014

3 Respectfully submitted,

4 LAMBDA LEGAL DEFENSE AND
5 EDUCATION FUND, INC.

6 /s/ Peter C. Renn
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19 **ORDER**

20 Upon consideration of Plaintiffs' motion to extend the time to file a motion for attorney's
21 fees and bill of costs, and good cause appearing, the Court hereby GRANTS the motion.
22 Plaintiffs' motion for attorney's fees and bill of costs is due 30 days after (a) any further appellate
23 review, including en banc proceedings before the Ninth Circuit or proceedings before the U.S.
24 Supreme Court, becomes final, or (b) the time for seeking such review expires, whichever is later.

25 IT IS SO ORDERED.

26 _____
27 United States District Court Judge

28 DATED: _____, 2014

¹ If this Court is not inclined to grant this request, Plaintiffs request in the alternative that the deadline for seeking attorney's fees and costs be extended until 45 days after the disposition of this motion.

CERTIFICATE OF SERVICE

I hereby certify that I will electronically file the foregoing document with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system on October 16, 2014. All participants in the case are registered CM/ECF users, and will be served by the CM/ECF system.

By: /s/ Peter C. Renn
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